

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 423

Introduced by Kristensen, 37; Baker, 44; Bromm, 23; Bruning, 3;
Hudkins, 21; Jensen, 20; Dw. Pedersen, 39

Read first time January 14, 1999

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to employment; to provide immunity in actions
- 2 relating to job references; and to define terms.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Unless otherwise provided by law, an
2 employer or an employer's designee who discloses information about
3 a current or former employee to a prospective employer of the
4 employee shall be immune from civil liability arising from such
5 disclosure unless the employer or the employer's designee knew or
6 should have known that the information was false and acted with
7 malice when disclosing the information. In any cause of action, it
8 is the burden of the current or former employee to prove the
9 falsity of the information and the existence of malice by clear and
10 convincing evidence.

11 (2) Unless otherwise provided by law, an employer who
12 discloses information about a current or former employee to a
13 prospective employer of the employee shall be immune from civil
14 liability arising from such disclosure if the disclosure is limited
15 to:

- 16 (a) Dates of employment;
17 (b) Pay level;
18 (c) Job description and duties; and
19 (d) Wage history.

20 (3) For purposes of this section:

21 (a) Employee means any individual permitted to work by an
22 employer pursuant to an employment relationship;

23 (b) Employer means any individual, partnership, limited
24 liability company, limited liability partnership, association,
25 joint-stock company, trust, corporation, political subdivision,
26 state, or personal representative of the estate of a deceased
27 individual, or the receiver, trustee, or successor thereof, within
28 or without the state, employing any person within the state as an

1 employee; and

2 (c) Malice means hate, spite, or ill will.

3 (4) This section applies to causes of action accruing on

4 and after the effective date of this act.